

SENATE CHAMBER,
AUSTIN, TEXAS, Monday, February 27, 1871. }

Senate met pursuant to adjournment; President Don Campbell in the chair.

Roll called; quorum present.

Journal of Saturday corrected, to show that the resolution of Senator Mills relative to postage stamps was adopted.

On motion of Senator Pyle, the reading of the journal of Saturday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Dohoney: memorial of the bar of Paris, Texas, in reference to *pro tem.* district judges. Read, and referred to Committee on Judiciary.

By Senator Mills: petition from John Vernon, of Madison county, asking that section 14, of an act regulating public printing in said section, be amended. Also, that a poll tax of five dollars be levied on each able-bodied man between the age of eighteen and forty-five; likewise asking that the law be so amended, as to make a breach of trust as regards property a penal offense. Read and referred to Committee on Judiciary.

BILLS AND RESOLUTIONS.

By Senator Pyle: a bill (Senate bill No. 187,) to be entitled "An act to incorporate the Navarro Jockey Club, of Navarro county." Read first time, and referred to Committee on Stock and Stock Raising.

By Senator Mills: a bill (Senate bill No. 188,) to be entitled "An act to provide for the digestion and codification of the statutes of the State, civil and criminal." Read first time, and referred to Committee on Judiciary.

By Senator Ruby: a bill (Senate bill No. 189,) to be entitled "An act amending the thirty-eighth section of 'An act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,' approved August 13, 1870." Read first time and referred to Committee on Judiciary.

By Senator Douglass: a bill (Senate bill No. 190,) to be entitled "An act to incorporate the town of Longview, in Upshur

county, Texas." Read first time and referred to Committee on State Affairs.

Senator Gaines offered the following resolution, which was adopted:

Resolved, That the Secretary of the Senate do inquire what members of the Senate need German papers, so that he will not get any more than the Senate needs.

Senator Ruby offered the following resolution, which was adopted:

Resolved, That all House bills on introduction in the Senate upon their first reading be referred to the appropriate committees.

Senator Pyle moved to suspend the rules to take from file House concurrent resolution No. 2, "concurrent resolution authorizing the appointment of a committee of three from the House and of two from the Senate, that body concurring, to take into consideration the fixing of the time for final adjournment of their respective bodies."

Motion to suspend the rules lost.

Senator Dillard rose to a question of privilege and asked leave to read an article in the STATE JOURNAL, of February 26, to which he replied.

Senator Gaines moved that a committee of three be appointed to investigate the subject.

The President ruled the motion out of order.

Senator Bell appealed from the decision of the chair, on which the yeas and nays were called for and the decision of the chair sustained by the following vote:

Yeas—Messrs. Baker, Bowers, Braughton, Cole, Dohoney, Ford, Fountain, Hall, Hertzberg, Hillebrandt, Latimer, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Saylor, Tendick—19.

Nays—Messrs. Bell, Dillard, Douglass, Evans, Flanagan, Gaines, Rawson, Shannon—8.

Secretary carried to the House, House bill No. 64, "An act to authorize the County Court of Washington county to levy a special tax for building a jail at the county seat," informing the House the Senate had passed the same.

Senator Pickett offered the following resolution, and moved its adoption:

Resolved, That a committee of three be appointed by the Senate to act with a like committee from the House, to prepare and report an address to the Governor for the removal of J. M. Thurmond, Judge of the Thirty-first Judicial District.

11 o'clock A. M.

The hour having arrived for the special order, Senate bill No. 94, "An act to give effect to the several provisions of the Constitution

concerning taxes," Senator Gaines moved a postponement of the special order for fifteen minutes.

Lost.

Senator Bowers moved a postponement of the special order until the business before the Senate was disposed of.

Yeas and nays called for and lost by the following vote :

Yeas—Bowers, Cole, Dillard, Douglass, Evans, Flanagan, Pickett, Pyle—8.

Nays—Mr. President, Baker, Bell, Braughton, Dohoney, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrandt, Latimer, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Shannon, Tensick—21.

By leave, Senator Bowers offered the following resolution, which was adopted :

Resolved, That Edward Jefferson be appointed Assistant Engrossing Clerk of the Senate, with same pay as the Engrossing Clerk.

Message from the House by Chief Clerk, informing the Senate the House had passed Senate bill No. 25, entitled "An act supplementary to and amendatory of 'an act to incorporate the Dallas Wire Suspension Bridge Company,' approved July 27, 1870."

Also, for concurrence, the following House bills :

House bill No. 92, entitled "An act to define fornication, and punish the same."

Also, House bill No. 254, entitled "An act appropriating money to pay the unpaid balance of salaries of the several district judges in this State for the months of July and August, 1870."

Also, House bill No. 314, entitled "An act permanently locating the county seat of Refugio county at the town of Rockport."

Also, House bill No. 366, entitled "An act to incorporate the Jefferson Gas Light Company."

On motion, the Senate went into Committee of the Whole to consider Senate bill No. 94, entitled "An act to give effect to the several provisions of the Constitution concerning taxes."

IN SENATE.

Senator Flanagan, Chairman of the Committee of the Whole, having under consideration Senate bill No. 94, reported progress and asked leave to sit again to-morrow at 11 o'clock A. M.

Report received and leave granted.

Message from the House by Chief Clerk, transmitting for concurrence the following House bills :

House bill No. 11, "An act for the relief of the District Attorney of the Criminal District Court of Galveston and Harris counties, and appropriating means for the salary of said officer."

Also, House bill No. 56, "An act for the relief of Henry Koontz."

Also, House bill No. 89, "An act to incorporate the Galveston Seamens' Home."

On motion of Senator Cole, the rules were suspended to take from file House bill No. 366 "An act to incorporate the Jefferson Gas Light Company."

Read first time.

On motion of Senator Ruby the rules were further suspended, and House bill No. 366 was read second time and passed to a third reading.

On motion of Senator Ruby the rules were further suspended, House bill No. 366 was read third time and passed.

Senator Ruby, Chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 27, 1871.

Hon. DON CAMPBELL.

President of the Senate:

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bill No. 64, "Authorizing the District Attorney of the Thirtieth Judicial District to draw his salary from the date of filing his oath of office," find the same correctly engrossed.

G. T. RUBY, Chairman.
E. L. DOHONEY,
P. W. HALL.

Report read and received.

Senator Parsons moved that the Senate go into executive session.

Senator Flanagan moved to adjourn to 3 o'clock P. M., which motion was lost by the following vote:

Yeas—Bowers, Braughton, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Latimer, Pickett, Pyle, Shannon—12.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrandt, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—17.

The question recurring on the motion to go into executive session, Senator Pickett rose to a question of order and made the point of order that the motion to go into executive session was not in order until the disposition of the unfinished business the Senate was engaged in when the hour arrived for the consideration of the special order, and the Senate went into Committee of the Whole.

The chair decided the point of order not well taken and held the motion to go into executive session to be in order.

Senator Dohoney moved to adjourn to 3 o'clock P. M., which motion was lost by the following vote :

Yeas—Bowers, Braughton, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Latimer, Pickett, Pyle, Shannon—12.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrandt, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—17.

Senator Pickett appealed from the decision of the chair, the yeas and nays were called for and the decision of the chair sustained by the following vote :

Yeas—Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrandt, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—15.

Nays—Bowers, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Latimer, Pickett, Shannon—10.

Senator Flanagan moved to adjourn to 10 o'clock, A. M., tomorrow, which motion was lost by the following vote :

Yeas—Bowers, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Latimer, Pickett, Shannon—10.

Nays—Mr. President, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrandt, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—16.

The question recurring on the motion to go into executive session, Senator Flanagan moved a call of the Senate. Call sustained.

Absent—Senators Baker, Braughton and Pyle.

Senator Bell moved a suspension of the call, upon which the yeas and nays were called for and resulted as follows :

Yeas—Mr. President, Bell, Dohoney, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrandt, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick—15.

Nays—Bowers, Cole, Dillard, Douglass, Evans, Flanagan, Latimer, Pickett, Shannon—9.

So the call of the Senate was suspended.

Senator Flanagan moved to adjourn to 10 o'clock A. M. tomorrow, which motion was lost by the following vote :

Yeas—Bowers, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Latimer, Pickett, Shannon—9.

Nays—Mr. President, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrandt, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick—15.

Senator Fountain moved the previous question.

Previous question seconded and the main question ordered.

The question being on the motion to go into executive session, the yeas and nays were called for, result as follows :

Yeas—Mr. President, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrandt, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—16.

Nays—Bowers, Braughton, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Latimer, Pickett, Pyle, Shannon—12.

So the Senate went into executive session.

IN SENATE.

Senator Ruby moved that the Secretary be instructed to inform his Excellency, the Governor, that the Senate do advise and consent to the confirmation of Jno. B. Rector as Judge of the Thirty-first Judicial District.

On motion of Senator Saylor the Senate adjourned to 10 o'clock A. M., to-morrow.
